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EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

10/057,204

Applicant(s)

AYRES ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.
2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
3. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 3-32 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant argued in substance the amended claims 1, 3, 5, 6, 14, 16, 19, 20, 22, 23, and 26. The new grounds teach these and the added features. (See below).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 4, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473) and Shintani et al. (2002/0095687).

8. As per claim 1, Thomasson et al. teaches a multimedia distribution kiosk comprising: a first communication interface configured to receive, from a remote user, a multimedia request for multimedia content at a first speed (see Thomasson et al., col. 6, lines 10-32 and col. 4, lines 44-53); a second communication interface configured to communicate with a multimedia content provider at a second speed that is faster than the first speed (see Thomasson et al., col. 5, lines 5-17); configured to receive indicia of the multimedia requests from the first communication interface, to communicate information relating to the indicia of the multimedia requests to the multimedia content provider through the second communication interface in response to receiving the requests (see Thomasson et al. col. 4, lines 9-43); to obtain the requested multimedia content through the second communication interface (see Thomasson et al., col. 5, lines 28-52). However, Thomasson et al. fails to teach a cache memory, and a processor coupled to the first and second communication interfaces and the cache memory; to store the requested multimedia content in the cache memory, and to provide the requested multimedia content to the user as desired. Shintani et al. teaches a cache

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memory, and a processor coupled to the first and second communication interfaces and the cache memory (see Shintani et al., paragraph 0037); to store the requested multimedia content in the cache memory, and to provide the requested multimedia content to the user as desired (see Shintani et al., paragraph 0006). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. to a cache memory, and a processor coupled to the first and second communication interfaces and the cache memory; to store the requested multimedia content in the cache memory, and to provide the requested multimedia content to the user as desired in order to provide a useful interactive experience to the user by downloading of the page corresponding to the URL occur as quickly as possible (see Shintani et al., paragraph 0003).

9. As per claim 3, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above, but Shintani et al. fails to teach the processor is configured to provide the multimedia content to the user from the multimedia content provider in real time or near-real time. However, Thomasson et al. teaches the processor is configured to provide the multimedia content to the user from the multimedia content provider in real time or near-real time (see Thomasson et al., col. 1, line 65-col. 2, line 8).

10. As per claim 4, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above, but Shintani et al. fails to teach the processor is configured to provide the multimedia content through a user interface, the user interface including at least one of a third communication interface, and a digital storage device configured

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to store digital data on a tangible medium. However, Thomasson et al. teaches the processor is configured to provide the multimedia content through a user interface (see Thomasson et al., col. 4, lines 9-43), the user interface including at least one of a third communication interface, and a digital storage device configured to store digital data on a tangible medium (see Thomasson et al. col. 8, line 57-col. 9, line 11).

11. As per claim 14, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above, but Shintani et al. fails to teach wherein the first communication interface is configured to remotely receive multimedia upload information from a user device at a third speed and to transfer the multimedia upload information toward a multimedia content receiver through an upload interface at a fourth speed that is faster than the third speed. However, Thomasson et al. teaches wherein the first communication interface is configured to remotely receive multimedia upload information from a user device at a third speed (see Thomasson et al., col. 2, lines 9-16) and to transfer the multimedia upload information toward a multimedia content receiver through an upload interface at a fourth speed that is faster than the third speed (see Thomasson et al., col. 11, lines 39-41).

12. As per claim 15, Thomasson et al. and Shintani et al. teach the mentioned limitations of claims 1 and 14 above, but Shintani et al. fails to teach wherein the upload interface is the second communication interface. However, Thomasson et al. teaches wherein the upload interface is the second communication interface (see Thomasson et al., col. 12, lines 1-8).

13. As per claim 16, Thomasson et al. teaches a method of processing multimedia data, the method comprising: providing remote access, by a user device associated with a user, to a first multimedia distribution unit (see Thomasson et al., col. 5, line 53-col. 6, line 9); communicating with the user device remotely at a first rate to provide to the user multimedia options, and to receive a selection by the user of desired multimedia content (see Thomasson et al., col. 4, lines 44-53); communicating information related to the selection to the multimedia server in response to receiving the selection (see Thomasson et al., col. 4, lines 9-43); communicating with the multimedia server to download the desired multimedia content at a second rate to a second multimedia distribution unit, wherein the second rate is faster than the first rate (see Thomasson et al., col. 5, lines 5-17). However, Thomasson et al. fails to teach caching the downloaded desired multimedia content in a the second multimedia distribution unit; and providing, to the user device, the downloaded desired multimedia content from the second multimedia distribution unit. Shintani et al. teaches caching the downloaded desired multimedia content in a the second multimedia distribution unit (see Shintani et al., paragraph 0005); and providing, to the user device, the downloaded desired multimedia content from the second multimedia distribution unit (see Shintani et al., paragraph 0006). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. to caching the downloaded desired multimedia content in a the second multimedia distribution unit; and providing, to the user device, the downloaded desired multimedia content from the second multimedia distribution unit in order to provide a useful interactive experience to the user by downloading of the

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page corresponding to the URL occur as quickly as possible (see Shintani et al., paragraph 0003).

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473) and Shintani et al. (2002/0095687) as applied to claims 1 and 4 above, and further in view of Landress et al. (2003/0191816). Thomasson et al. and Shintani et al. teach the mentioned limitations of claims 1 and 4 above but fail to teach wherein the user interface is the digital storage device and is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape. However, Landress et al. teaches wherein the user interface is the digital storage device and is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape (see Landress et al., paragraphs 0056 and 0147). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a user interface is the digital storage device and is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape in order to allow the users to be able to ship the disc to other users and allow them to play it (see Landress et al., paragraph 0148).

15. Claims 6-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473) and Shintani et al. (2002/0095687) as applied to claims 1, 4 and 11 above, and further in view of Nii (2002/0065730).

16. As per claim 6, Thomasson et al. and Shintani et al. teach the mentioned limitations of claims 1 and 4 above but fail to teach wherein the user interface is the third communication interface and is configured to communicate with a user wirelessly. However, Nii teaches wherein the user interface is the third communication interface and is configured to communicate with a user wirelessly (see Nii, paragraph 0053). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a user interface is the third communication interface and is configured to communicate with a user wirelessly in order to allow flexibility and provide remote access (see Nii, paragraph 0016).

17. As per claim 7, Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1, 4, and 6 above but Thomasson et al. and Shintani et al. fail to teach wherein the third communication interface is configured to communicate with a user according to a short-range wireless protocol. However, Nii teaches wherein the third communication interface is configured to communicate with a user according to a short-range wireless protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a third communication interface is configured to communicate with a user according to a short-range wireless protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

18. As per claim 8, Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1, 4, 6, and 7 above but Thomasson et al. and Shintani et al. fail to teach wherein the short-range wireless protocol is at least one of the Bluetooth (IEEE

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802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol. However, Nii teaches wherein the short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

19. As per claim 9, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above but fail to teach wherein the first interface is configured to receive the remote multimedia requests for multimedia content through at least one of a wireless connection and a packet-switched wide-area network communication path. However, Nii teaches wherein the first interface is configured to receive the remote multimedia requests for multimedia content through at least one of a wireless connection and a packet-switched wide-area network communication path (see Nii, paragraph 0031). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a first interface is configured to receive the remote multimedia requests for multimedia content through at least one of a wireless connection and a packet-switched wide-area network

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communication path in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

20. As per claim 10, Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1 and 9 above but Thomasson et al. and Shintani et al. fail to teach wherein the first interface is configured to communicate wirelessly according to at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the IEEE 802.11b protocol. However, Nii teaches wherein the first interface is configured to communicate wirelessly according to at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the IEEE 802.11b protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a first interface is configured to communicate wirelessly according to at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the IEEE 802.11b protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

21. As per claim 11, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above but fail to teach wherein the processor is configured to use user information from the first communication interface to provide suggestions for multimedia associated with the user. However, Nii teaches wherein the processor is configured to use user information from the first communication interface to provide suggestions for multimedia associated with the user (see Nii, paragraph 0015). It would

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have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a processor that is configured to use user information from the first communication interface to provide suggestions for multimedia associated with the user in order to recommend selections that the user would most likely download (see Nii, paragraph 0015).

22. As per claim 13, Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1 and 11 above but Thomasson et al. and Shintani et al. fail to teach wherein the first communication interface is configured to provide as the user information at least one of information derived by the first communication interface from handshaking for a communication between the first communication interface and the user, information associated with a transmitting device used by the user supplied to the first communication interface from the transmitting device, and information supplied to the first communication interface by the user. However, Nii teaches wherein the first communication interface is configured to provide as the user information at least one of information derived by the first communication interface from handshaking for a communication between the first communication interface and the user, information associated with a transmitting device used by the user supplied to the first communication interface from the transmitting device, and information supplied to the first communication interface by the user (see Nii, paragraph 0059). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to the first communication interface is configured to provide as the user information at least one of information derived by the first

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communication interface from handshaking for a communication between the first communication interface and the user, information associated with a transmitting device used by the user supplied to the first communication interface from the transmitting device, and information supplied to the first communication interface by the user in order to allow a customer to download desired multimedia files (see Nii, paragraph 0060).

23. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473), Shintani et al. (2002/0095687), and Nii (2002/0065730) as applied to claims 1 and 11 above, and further in view of Landress et al. (2003/0191816). Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1 and 11 above but fail to teach the processor is configured to obtain the suggestions from the content provider. However, Landress et al. teaches the processor is configured to obtain the suggestions from the content provider (paragraph 0064: wherein ad information serves the function of suggestions). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al., Shintani et al., and Nii to a processor that is configured to obtain the suggestions from the content provider in order to provide customized communication according to predetermined sequencing and incorporating personalized content (see Landress et al., paragraph 0064).

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24. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473) and Shintani et al. (2002/0095687) as applied to claim 16 above, and further in view of Kondou et al. (6,073,075). Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 16 above but fail to teach wherein the providing access includes providing access to the first multimedia distribution unit from a plurality of multimedia distribution units, to which unit access is provided is dependent on at least one of a selection indicated by a user, a current location of the user, and an expected future location of the user. However, Kondou et al. teaches wherein the providing access includes providing access to the first multimedia distribution unit from a plurality of multimedia distribution units, to which unit access is provided is dependent on at least one of a selection indicated by a user, a current location of the user, and an expected future location of the user (see Kondou et al., col. 2, lines 26-52). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kondou et al. to a method wherein the providing access includes providing access to the first multimedia distribution unit from a plurality of multimedia distribution units, to which unit access is provided is dependent on at least one of a selection indicated by a user, a current location of the user, and an expected future location of the user in order to provide a communication method which transfers proper information to the user at appropriate timing and a mobile terminal preferred for carrying out this communication method (see Kondou et al., col. 1, lines 64-67).

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25. Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473), Shintani et al. (2002/0095687), and Kondou et al. (6,073,075) as applied to claims 16 and 17 above, and further in view of Nii (2002/0065730).

26. As per claim 18, Thomasson et al., Shintani et al., and Kondou et al. teach the mentioned limitations of claims 16 and 17 above but fail to teach the method comprising obtaining user information to identify the user; using the user information to obtain recommendations of multimedia data likely to be desired by the user; and caching the recommendations; wherein the communicating with the user includes providing the recommendations to the user. However, Nii teaches the method comprising obtaining user information to identify the user; using the user information to obtain recommendations of multimedia data likely to be desired by the user (see Nii, paragraph 0016); and caching the recommendations (see Nii, paragraph 0075); wherein the communicating with the user includes providing the recommendations to the user (see Nii, paragraph 0020). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method comprising obtaining user information to identify the user; using the user information to obtain recommendations of multimedia data likely to be desired by the user; and caching the recommendations; wherein the communicating with the user includes providing the recommendations to the user in order to suggest media when a previous customer returns and indicate what the customer might like (see Nii, paragraph 0015).

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27. As per claim 19, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16-18 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method of wherein the downloaded content is provided by at least one of wirelessly communicating with a user device associated with the user, communicating through a physical connection with the user device, and storing the downloaded data on a storage medium and providing the medium to the user. However, Nii teaches a method of wherein the downloaded content is provided by at least one of wirelessly communicating with a user device associated with the user, communicating through a physical connection with the user device, and storing the downloaded data on a storage medium and providing the medium to the user (see Nii, paragraph 0053). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method of wherein the downloaded content is provided by at least one of wirelessly communicating with a user device associated with the user, communicating through a physical connection with the user device, and storing the downloaded data on a storage medium and providing the medium to the user in order to provide easy access and tailor information on a memory module which is separate from and releasably attachable to the terminal device (see Nii, paragraph 0017).

28. As per claims 20 and 24, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16-19 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method wherein the downloaded content is provided wirelessly by communicating with the user device using a short-range wireless protocol.

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However, Nii teaches a method wherein the downloaded content is provided wirelessly by communicating with the user device using a short-range wireless protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method wherein the downloaded content is provided wirelessly by communicating with the user device using a short-range wireless protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

29. As per claims 21 and 25, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16-20 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method wherein short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol. However, Nii teaches a method wherein short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method wherein short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

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30. As per claim 22, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16-21 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method wherein the downloaded content is provided by storing the downloaded data on a storage medium, and wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip. However, Nii teaches a method wherein the downloaded content is provided by storing the downloaded data on a storage medium, and wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip (Paragraph 0016: wherein IC card functions as a memory chip). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method wherein the downloaded content is provided by storing the downloaded data on a storage medium, and wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip in order to deliver multimedia content in a convenient and economical, yet secure manner (see Nii, paragraph 0016).

31. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. and Shintani et al. as applied to claim 16 above, and further in view of Nii (2002/0065730). Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 16 above but fail to teach a system wherein the first and second multimedia distribution units are separate multimedia distribution unit. However, Nii teaches a system wherein the first and second multimedia distribution units are the same multimedia distribution unit (see Nii, paragraph 0080). It would have been obvious

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to one having ordinary skill in the art at the time of the invention to modify the above to a system wherein the first and second multimedia distribution units are separate multimedia distribution unit in order to deliver multimedia content in a convenient and economical, yet secure, manner (see Nii, paragraph 0016).

32. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nii (2002/0065730) and Kondou et al. (6,073,075).

33. As per claim 26, Nii teaches a system comprising: a multimedia server configured to provide multimedia data; a distributed network of multimedia distribution devices coupled to the multimedia server and configured to communicate with the server to obtain desired multimedia data (see Nii, paragraph 0056) and configured to communicate with a remote user device to determine desired multimedia data (see Nii, paragraph 0053). However, Nii fails to teach a system wherein the server is configured to provide the desired multimedia data to a selected distribution device in accordance with future-location indicia indicative of a future location of the user device. Kondou et al. teaches a system wherein the server is configured to provide the desired multimedia data to a selected distribution device in accordance with future-location indicia indicative of a future location of the user device (see Kondou et al., col. 2, lines 1-25). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Nii to a system wherein the server is configured to provide the desired multimedia data to a selected distribution device in accordance with future-location indicia indicative of a future location of the user device in order to provide a

communication method capable of providing the user with proper information on a real time basis (see Kondou et al., col.1, lines 59-63).

34. As per claim 27, Nii and Kondou et al. teach the mentioned limitations of claim 26 above, but Kondou et al. fails to teach a system wherein the distribution devices are configured to provide the desired multimedia data in at least one of a wireline communication, a wireless communication, and a physical storage medium. However, Nii teaches a system wherein the distribution devices are configured to provide the desired multimedia data in at least one of a wireline communication, a wireless communication, and a physical storage medium (see Nii, paragraph 0053).

35. As per claim 28, Nii and Kondou et al. teach the mentioned limitations of claims 26 and 27 above, but Kondou et al. fails to teach a system wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip. However, Nii teaches a system wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip (see Nii, paragraph 0016: wherein IC card functions as a memory chip).

36. As per claim 29, Nii and Kondou et al. teach the mentioned limitations of claims 26 and 27 above, but Kondou et al. fails to teach a system wherein the wireless communication is according to a short-range wireless protocol. However, Nii teaches a system wherein the wireless communication is according to a short-range wireless protocol.

37. As per claim 30, Nii and Kondou et al. teach the mentioned limitations of claims 26 and 27 above, but Nii fails to teach a system further comprising a location server

configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device. However, Kondou et al. teaches a system further comprising a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device (see Kondou et al., col. 2, lines 26-52). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Nii to a system further comprising a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device in order to provide a communication method capable of providing the user with proper information on a real time basis (see Kondou et al., col.1, lines 59-63).

38. As per claim 31, Nii and Kondou et al. teach the mentioned limitations of claims 26 and 27 above, but Nii fails to teach a system further comprising a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel. However, Kondou et al. teaches a system further comprising a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel (see Kondou et al.,

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col. 13, lines 17-57). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Nii to a system further comprising a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel in order to provide a communication method capable of providing the user with proper information on a real time basis (see Kondou et al., col.1, lines 59-63).

39. As per claim 32, Nii and Kondou et al. teach the mentioned limitations of claim 26 above, but Kondou et al. fails to teach a system wherein each distribution device is configured to provide suggestions of multimedia data to the user device wherein the suggestions are associated with a profile of a user, associated with the user device, and characteristics of multimedia data available through the server. However, Nii teaches a system wherein each distribution device is configured to provide suggestions of multimedia data to the user device wherein the suggestions are associated with a profile of a user, associated with the user device, and characteristics of multimedia data available through the server (see Nii, paragraph 0079).

Conclusion

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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41. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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